

FILED

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR 18 2016

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

United States of America

v.

Allah Truth KELLEY

Case No. 7:16 MJ 44

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/28/2016 in the county of Roanoke City in the  
Western District of Virginia, the defendant(s) violated:*Code Section**Offense Description*

Title 18 USC 922(g)(1)

Possession of a Firearm by a Previously Convicted Felon

This criminal complaint is based on these facts:

See Attached.

☒ Continued on the attached sheet.

Complainant's signature

Task Force Officer Travis Reed

Printed name and title

Sworn to before me and signed in my presence.

Date: March 18, 2016

Judge's signature

City and state: Roanoke, VA

United States Magistrate Judge Robert Ballou

Printed name and title

7:16 MJ44

**Affidavit**

I, Travis Reed, being duly sworn, dispose and state the following:

I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Roanoke Field Office, Western District of Virginia, an entity of the U.S. Department of Justice, and have been so employed since December 2014. As an ATF Task Force Officer, I am charged with investigating violations of Federal firearms, narcotics, arson and explosive laws. I am employed as a sworn Police Officer with the Roanoke Police Department, and have been so since September 1999. As a Roanoke Police Officer I have previously been assigned to the Patrol Division, Forensic Services Unit and the Narcotics and Organized Crime Unit as a Detective. I am also cross designated as a Task Force Officer assigned to the U.S. Marshals Service. I have conducted and participated in numerous investigations; including surveillance, search and seizure, effecting arrests and implementing the use of Confidential Sources (CS). During this time I have applied for and executed numerous state search and arrest warrants.

As a result of my training and experience as an ATF Task force Officer, I am familiar with Federal criminal laws and know that it is a violation of:

18 U.S.C., Section 922(g)(1)      Possession of a Firearm by a Previously Convicted Felon  
18 U.S.C., Section 924(e)      Armed Career Criminal

The information contained in this affidavit is based on my knowledge of this investigation and other facts provided to me by officers of the Roanoke Police Department. I have not included all facts of this investigation in this affidavit, but only enough to establish probable cause.

1. On 01/28/2016 Roanoke Police Department (RPD) officers were dispatched to Indian Village Ln SE in reference to a disorder. Dispatch advised the officers that the 911 caller, Anastasia Green, had advised that she had been in an argument with her child's father, identified as Allah KELLEY (B/M; DOB 3/77; SSN 5364; FBI# 14XA4) and that KELLEY was leaving in a white 2015 Chrysler 200 rental vehicle. Green also stated that KELLEY had 2 handguns in his waistband as he left the residence.
2. RPD officers drove to 13<sup>th</sup> St SE and Wise Ave SE, Roanoke VA, in an attempt to locate the vehicle that had left the scene of the disorder. After a few minutes a white Chrysler was observed turning onto 14<sup>th</sup> St SE towards Norfolk Ave SE. The officers caught up with the vehicle and initiated a traffic stop on the vehicle.
3. As the officers stopped behind the Chrysler 200, VA tag# -4094, KELLEY, the only occupant, immediately opened the driver's door and exited the vehicle. When officers approached KELLEY, he was found to be extremely nervous and sweating excessively. Due to his nervousness, RPD officers asked KELLEY if he had anything on him that they needed to be aware of, at which time KELLEY produced a small baggie of marijuana from his pants pocket. KELLEY was asked if there were any firearms in the vehicle and he replied "I don't know, it's not my car. My friend let me drive it." He also stated "I don't search cars before I get in them and drive them, so if you find something in that car, I didn't know about it." KELLEY was then placed in investigative detention.

4. RPD officers then searched KELLEY's vehicle (rented through Enterprise) due to the marijuana in his pocket and the strong smell of burnt marijuana coming from the vehicle. Inside the glovebox the officers located and recovered 2 handguns. KELLEY initially stated that the guns were not his and later stated "I know I am going to jail because I am a felon." RPD officers recovered a Smith & Wesson, model SW40VE, .40 cal semi-automatic pistol, S/N DSE3354, loaded with 8 bullets and a Taurus, model 24/7, 9mm semi-automatic pistol, S/N THY86240, loaded with 15 bullets.
5. A query of KELLEY's NCIC revealed multiple felony convictions to include:

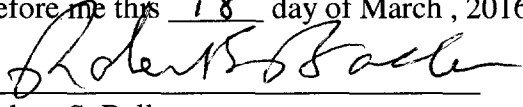
| <u>Offense</u>                                | <u>Date of Conviction</u> |
|---|---------------------------|
| Attempted Robbery in 2 <sup>nd</sup> Degree   | 06/03/1996                |
| Attempted Robbery in 3 <sup>rd</sup> Degree   | 03/03/1997                |
| Attempted Criminal Possession of a Firearm    | 03/11/2002                |
| Criminal Possession of a Controlled Substance | 07/12/2002                |
| Possess Cocaine with Intent to Distribute     | 09/23/2014                |
| Sell Marijuana                                | 09/23/2014                |

6. On 2/17/2016, Special Agent and Interstate Nexus Expert Mike Cilento examined the above listed firearms and determined they were both firearms and both have moved in interstate commerce.
7. The aforementioned violations took place in the City of Roanoke, in the Western District of Virginia.

The facts and information contained in this affidavit are based upon personal knowledge as well as information obtained from other law enforcement officers involved in this investigation. I am thoroughly familiar with the information contained in this affidavit through personal exposure to the records, reports and discussions with other law enforcement personnel. The facts compromising the basis for this affidavit are true and correct, to the best of my knowledge.

  
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ATF-TFO Travis Reed

Sworn and Scribed to  
Before me this 18<sup>th</sup> day of March, 2016

  
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Robert S. Ballou  
United States Magistrate Judge